

Ethics News

Issue No. 46

Official Newsletter of the Indiana State Ethics Commission

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Who's Responsible?

What happens when a state employee or special state appointee who has never had ethics training violates an ethics rule? Who's responsible- the employee or the special state appointee, or the agency? The answer is both. It is the employee or special state appointee who is accountable for his/her actions and it is the responsibility of each agency to provide training for the employee and special state appointee. The agency's training requirements are outlined in 42 IAC 1-4-1.

Sec. 1. (a) All state officers, employees, and special state appointees shall be properly trained in the code of ethics as described in this article. All persons who have a business relationship with a state agency are obligated to abide by the code of ethics.

(b) Each agency's appointing authority shall do the following:

(1) Require all new employees and special state appointees to participate in ethics training within six (6) weeks of the employee's starting employment and the special state appointee's appointment date with the agency.

(2) Require all employees and special state appointees to participate in ethics training at least every two (2) years during an employee's and special state appointee's tenure with the agency.

(3) Maintain documentation to demonstrate an employee's and special state appointee's compliance with subdivisions (1) and (2).

How do we get trained?



How do we train our employees?



Read On...

Changes in Law

HB 1397 has been passed by both chambers of the General Assembly. Look soon for a special edition of Ethics News covering these amendments.

April is “Get Ethics” Month!

In order that agencies may carry out their training responsibilities, the Ethics Commission is offering several options to get state employees and special state appointees trained in the month of April.

(1) There will be three *Orientation/Refresher* training sessions in the State Conference Center auditorium on the following dates:

April 4 10-11:00 a.m.

April 11 10-11:00 a.m.

April 12 10-11:00 a.m.

(2) Two *Ethics for Executives* classes are scheduled in the State Conference Center, Room 22 for:

April 10 10-12:00 p.m.

April 13 10-12:00 p.m.

(3) [Online training](#) is another training option for employees. There are three training modules: *Orientation/Refresher*; *Ethics for Supervisors and Managers*; and *Ethics for Executives*. Employees submit proof of their online training to their agency contact person, named a “tracker.”

(4) Agencies may print a [copy of the ethics rules](#) for distribution to employees and special state appointees who do not have access to the Internet.

(5) Year round [Ethics Commission sponsored classes](#).

(6) On site training. To request on site training for your agency, call Mary Hill at 233-3767 or email: mhill@ethics.in.gov.

To register for the April classes, contact Cynthia Wilcoxon

email: cwilcoxon@ig.in.gov

Telephone 232-3850

Remember, everyone bears the responsibility when it comes to ethics training. If one person fails to uphold the public trust, a shadow is cast upon all employees and special state appointees.

If you tell the truth, you don't have to remember anything.

— Mark Twain

Frequently Asked Questions

Q. While attending a training seminar paid by my agency and sponsored by a trade association, I won a door prize. My question is, can I accept the door prize? The prize was purchased by the association for this purpose. The winner had to be present to win. As a matter of fact, I was the second name drawn as the first person wasn't present. The trade association provides a large percentage of all continuing education required for employees in my agency. My agency pays for the classes. This drawing was held after the training day was complete. The association is a "not for profit" professional organization.

A. You should not accept the door prize as your personal property for two reasons:

1. As a state employee, you cannot accept a gift from a person that has a business relationship with your agency. Since your agency uses the trade association as a major source of continuing education for employees, a business relationship exists.

2. Your agency paid your tuition for the seminar. If enrollment in the drawing for the door prize was a part of the benefit included in the tuition cost, then the prize is the property of your agency.

Consult with your agency's Ethics Officer to determine if your agency wants to retain the door prize or return it to the donor.

Q. Are temporary employees required to take ethics training?

A. Yes. The definition of "employee" includes a person who works at an agency on "a temporary, an intermittent, or an hourly basis." It also includes "an individual who contracts with an agency for personal services." (IC 4-2-6-1 [7]) Thus, for purposes of the code of ethics, the temporary employee is an "employee" and is required to take ethics training.

Q. Where can I find the Executive Branch Lobbyist Registration Rules?

A. You may find them on the Department of Administration's Web site at: <http://www.in.gov/idoa/eblr/index.html>.

Q. I need to take a second job and want to know if this is an ethics violation.

A. Because of the complexities of outside employment questions, the State Ethics Commission has a policy requiring the employee to first bring the question to the employee's agency head or ethics officer.

There are two primary reasons for this policy:

- (1) An analysis must be made of the employee's role with the agency and the job description of the outside job to insure that there is no conflict of interest. The employee's agency can best determine if a conflict exists; and
- (2) Some agencies have an internal policy governing outside employment.

Frequently Asked Questions

Before we can process your request for information, we must first have a statement in writing, either on agency letterhead or via state email, from your agency head or your agency's ethics officer, stating that the outside employment will not violate an agency rule or regulation. Some agencies have an internal policy that prohibits its employees from accepting outside employment with a company that has a business relationship with the agency. If after consulting with your agency you still have questions, you can reach us at:

<http://www.in.gov/ethics/advice.html>.

Q. How do I know if I can accept a gift or not?

A. If you are offered a gift, first ask yourself two questions:

1. Does the donor of the gift have a business relationship with your agency? (The definition of "business relationship" involves a pecuniary interest in a contract or the issuance of a license or permit.) If your answer is "no," and the donor is not seeking to influence an action you could take, then there is no gift rule violation.

However, if you answered "yes" to the first question, ask yourself the next question.

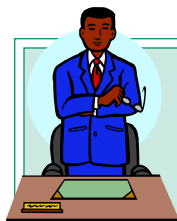
2. Does the gift have greater than a "nominal" value? If the answer to this question is "yes" and the answer to the first question is "yes," then there is a gift rule violation. The gift should be declined or returned.

Note: When consistent with the public interest, the appointing authority or ethics officer of your agency can waive acceptance of the gift. There must be some compelling reason to grant the waiver.

Q. I am leaving state government and would like to know if I can go to work for someone who has a business relationship with my agency?

A. Employees leaving state government are covered by the [post-employment statute](#). There are two parts to the statute: 1. A one-year prohibition that applies to employment of certain state employees with any company that has a business relationship with the employee's agency; and 2. A lifetime ban on certain employees' work in areas classified as "particular matter."

It is your responsibility to find out if the statute applies to any aspect of your state job. If you have questions about the application of the statute, you should consult your [Ethics Officer](#) or the [Ethics Commission](#).



Please note: Advisory opinions may be found on the Commission's Web site at [<http://www.in.gov/ethics/advis/>](http://www.in.gov/ethics/advis/).

If you have a question, which you would like answered, [click here](#).

2006 Ethics Training Schedule

All classes are held in the State Conference Center (IGC South).
402 W. Washington St.
Indianapolis, IN 46204

Ethics Orientation

10:00- 11:00 a.m.

March 22	Conference Center Room 14
April 4	Conference Center Auditorium
April 11	Conference Center Auditorium
April 12	Conference Center Auditorium
May 17	Conference Center Room 14
July 18	Conference Center Room 14
September 12	Conference Center Room 14
November 14	Conference Center Room 17

Ethics for Supervisors and Managers

10:00 - 11:30 a.m.

March 16	Conference Center Room 4
May 18	Conference Center Room 4
July 12	Conference Center Room 4
September 27	Conference Center Room 4
November 15	Conference Center Room 4

Ethics for Executives

(Agency Heads, Ethics Officers, & Upper Management)

10:00 - 12:00

March 14	Conference Center Room 18 (FULL)
April 10	Conference Center Room 22
April 13	Conference Center Room 22
June 15	Conference Center Room 18
October 17	Conference Center Room 18

Any of the above classes count as orientation or refresher training. These classes also are offered online at:

<http://www.in.gov/ethics/training/>.



To register for the April classes, contact Cynthia Wilcoxon

email: cwilcoxon@ig.in.gov

Telephone 232-3850